

OTTAWA, MAY 30TH 1891.

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*Re Charles Brenner's*

CLAIM FOR REBELLION LOSSES.

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**Petition**

*To the Governor-General in Council.*

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STUART HENDERSON,

56 SPARKS STREET, OTTAWA,

*Solicitor for the Petitioner*

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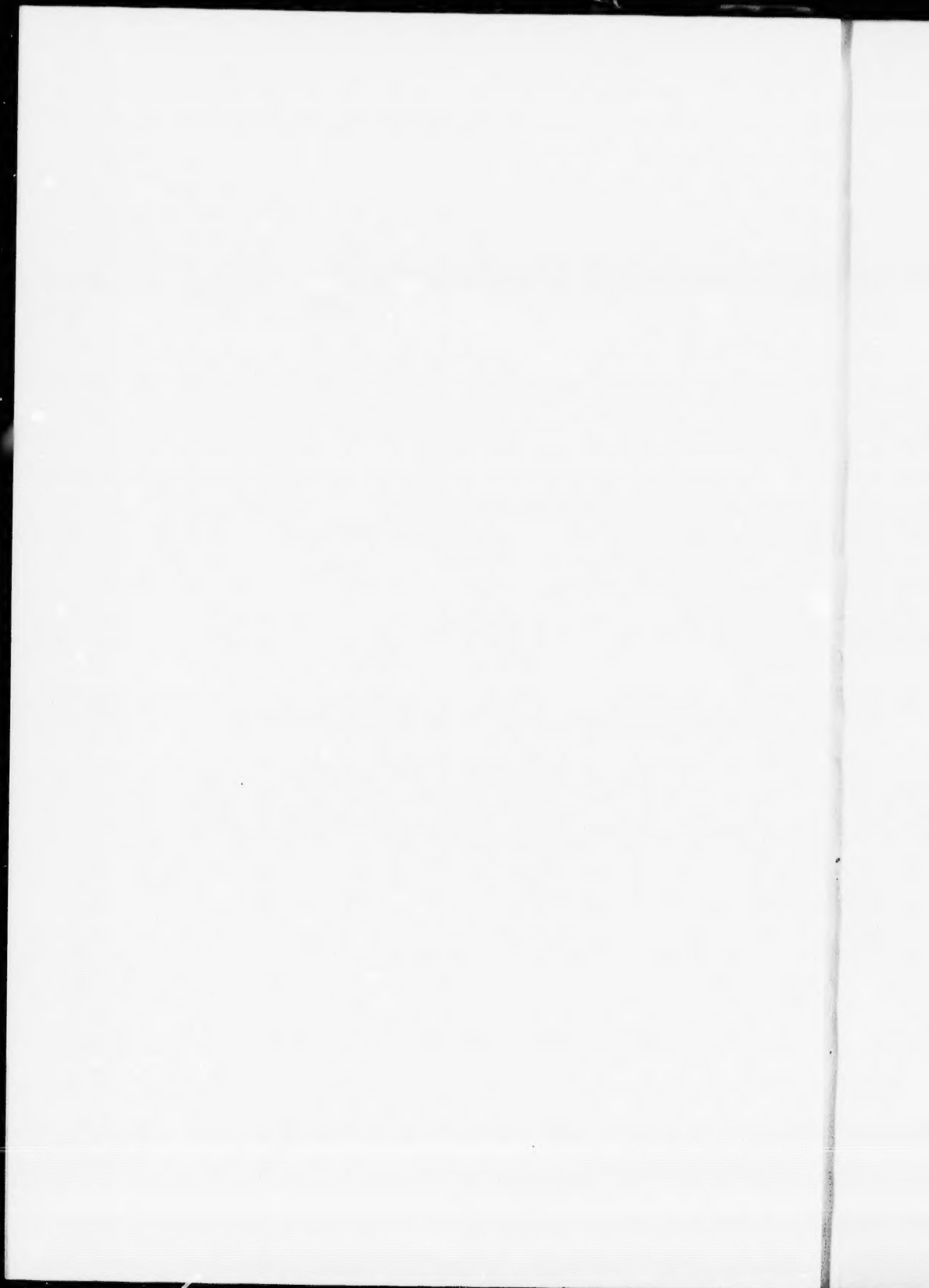
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STUART HENDERSON,

56 SPARKS STREET, OTTAWA,

*Solicitor for the Petitioner.*



*To the Governor-General in Council.*

The Petition of CHARLES BREMNER, of Bresaylor, in  
the District of Saskatchewan, in the North-West  
Territories, Trader and Farmer.

HUMBLY SHEWETH,

1. In July, 1881, the Petitioner settled at Bresaylor, a small settlement situated 22 or 25 miles from Battleford, and consisting in 1885 of about twenty or thirty families.

2. That the Petitioner was a Farmer, Trapper and Trader, owning land, house, store, stock-in-trade, farm stock and implements, household furniture, and a very large quantity of furs.

3. That until the beginning of April, 1885, when they first heard of the rebellion which had broken out in the North West Territories, all the settlers at Bresaylor and the Petitioner were living quietly on their farms, following in peace their daily vocations.

4. The Bresaylor settlers were of two classes, the Protestant English and the Roman Catholic. The English on hearing of the uprising of the Indians, at once decided to go to the Barracks at Battleford for protection, and Edward Payton, one of their number, notified the Petitioner at midnight, that they, the English settlers, were to start for Battleford that night.

5. The Petitioner's family (including his mother, 95 years old,) were all at Bresaylor, but his horses were grazing 18 miles away, and he therefore would not have been able to remove his family before next evening. Payton and the other English settlers (10 or 12 families) refused to wait, saying that the Indians were coming and would kill them if they remained.

6. Although diligent search was made, the Petitioner's horses were not found the next day. Father Cochin, the Priest of the Roman Catholic Class, above referred to, advised the said class, the Petitioner being one of them, to send a letter to the Chief of the Mounted Police at Battleford, asking for advice and assistance, begging for an answer, and stating that the settlers were ready to come in if he said so. This letter was written by Father Cochin, and signed by the Petitioner and another.

7. No answer was received to the Petitioner's letter, and nothing further was heard by the settlers. The Indians were not disturbing the remaining settlers, and acting still under the advice of the Missionary, Father Cochin, who stated that he thought the Indians were quieted down, and that it would be all right to remain where they were and till the farms. The



Petitioner and other Roman Catholic settlers decided to stay at Bresaylor and do as the Priest advised; more especially as some of the settlers were very poor and had no horses to take them to Battleford with what little moveable property they had.

8. The Petitioner's horses were found some days after this and put into their stable, but the Petitioner and other settlers were unable, even if they so desired, to go to Battleford, owing to prowling bands of Indians; also the Petitioner was unwilling to leave his property to the mercy of any passerby—as he had a store full of merchandise and a large quantity of very valuable furs, cattle, implements and farm produce.

9. And the Petitioner, owing to the prowling bands of Indians, had gathered together all his belongings, had packed his furs—in a way to be easily handled—had stabled his horses and had his cattle in a large drove near home.

10. Some days after this, on the night of the 13th of April, 1885, 200 Indians came to Bresaylor and endeavored to get the Petitioner and others there to join them in rebellion, but the Petitioner and all the other settlers refused to do so.

11. That night the band of Indians broke into the Petitioner's stable and took possession of his horses and provender, and the next day broke open his store, which was locked, and took or destroyed all his stock of merchandise, then told the Petitioner and other settlers to get ready to go with them.

12. The Petitioner and other settlers were taken prisoners; and the Indians then began shooting his (the Petitioner's) dogs, poultry and pigs, and it was impossible to resist the pillage as the Indians were in no humor to consider any requests from the settlers, who were too weak, numerically, to enforce requests. The Indians offered no violence to the persons of their prisoners.

13. The Indians were bent on the pillage and the settlers were ordered to march along with them. They had the Petitioner's horses and many of his cattle in a herd, which they drove along with them. They were armed well. All the settlers were close prisoners. Although mounted and armed, still they were hampered by the presence of their families, and any hostility might mean the death of a wife or child. The Indians were very headstrong and wicked.

14. On the march many of the Petitioner's cattle were slain, some for sport, some for food, and many of the Indians had on hats, clothing and boots from Petitioner's store. They also brought along with them, in their march, carts in which all the Petitioner's furs were. The settlers had to follow the dancing tent. The Indians headed across the Battle River to Poundmaker's reserve—where the settlers were still detained as prisoners, all the Roman Catholic families of Bresaylor, including Father Cochin.





15. While with the Indians the prisoners were badly treated. The settlers had to buy from them all their food. All this time the Petitioner was a prisoner against his will, held by force, unable to leave—although he was armed with a breechloader, which he refused to give up when requested, and had a horse; yet, should he be guilty of an overt act or try to escape, it would mean the slaughter of his entire family.

16. The Petitioner and other prisoners remained there until 2nd of May, 1885, when the fight of Cut Knife Hill took place at sunrise. The settlers heard the attack that morning. The settlers' little camp was about a quarter of a mile from the Indian camp. The settlers sent immediately Tom Dennison as a messenger to let the Militia and Police (who were about three-quarters of a mile from the said little camp, across a bridge) know, to come for prisoners, and to say to the Militia and Police not to shoot at the square tents, but at the teepees only. Notwithstanding this the Militia and Police fired at settlers twice with cannon, and the second ball came near the prisoners' tent. The Petitioner had hitched his horse and sent his family to hide themselves in a deep creek, but the Indians were watchful and sent a guard along to see that no one escaped.

17. The Petitioner and others then went up a high hill, intending to reach the Militia and Police, but they turned on the prisoners and fired at the band of half-breeds twice with cannon. This irritated some of the half-breeds amongst the prisoners, and some made ready to fire at the Police, but the Petitioner said, "The first half-breed I see shooting at the Police I will blow his brains out." When it was impossible to reach the Police the Petitioner and others with him went back to where their families were, and had their breakfast about one o'clock in the afternoon.

18. Shortly after this Colonel Otter with the Militia forces retired, and Poundmaker wished to follow and harass them; but on strong representations being made to him by Petitioner and others, he did not do so.

19. The Petitioner took no part in the rebellion one way or another and never aided or assisted the rebels in any way. He never took part in any of the movements and never acted as a scout for them.

20. The Petitioner knows nothing about the burning of Rouleau's house, or the raids upon the teamsters carrying provisions to Battleford, nor did any of the prisoners on Poundmaker's reserve know anything about them; nor does he know of any of the prisoners on Poundmaker's reserve being concerned in them.

21. The Petitioner did not capture Lafontaine, the police scout. Had nothing to do with the capture. Did not advise him to submit, or was not instrumental in any way in aiding the Indians to capture him. This Lafontaine, who accuses the Petitioner, is totally unworthy of belief. He is well known as a jail bird, and in fact was liberated from jail to become a scout.



22. On the 26th day of May, Poundmaker approached Battleford, and sent some of his prisoners to the Barracks, the Petitioner being one of the number. Those envoys requested Poundmaker to come into Battleford, but he refused.

23. Your Petitioner, and the others sent to Battleford, saw Colonel Otter and Col. Herchmer, who informed us that if the Indians would give up the property they had taken and lay down their arms, it would be all right. A letter was carried by the Petitioner and Father Cochin from Colonel Otter to Poundmaker. The letter was read to the Indians. They were rejoiced, and that day Poundmaker came to Battleford and surrendered.

24. The Petitioner asked to be allowed to go home, but was detained with five others as hostages. The families of the hostages and all the other Bresaylor settlers started for home that evening. The Petitioner and other hostages were released, and they started out to reach their families.

Before the Petitioner reached Bresaylor, he was arrested by order of Colonel Herchmer for having in his possession a rifle belonging to one of the volunteers who was killed at Cut Knife. This rifle the Petitioner had bought from a half-breed by name of John Wells, not knowing its previous history.

26. The Petitioner with four others was sent for trial to Regina, on the general charges usual in cases of treason, the locality of the treasonable acts being laid at Cut Knife Hill and Eagle Hill.

27. The information was laid on the 7th of September, 1885, by one George Holmes Young, of Winnipeg, and on the next day, the 8th of September, the Petitioner and other prisoners in the next preceding paragraph referred to, were arraigned, pleaded not guilty, and elected to be tried without a Jury; upon which Mr. B. B. Osler, who was Crown Prosecutor, made the following speech:—

28. "Your Honor, in these cases, the prisoners are charged with having been concerned in the late rebellion. They were in the Indian camp of Poundmaker, and the Crown has evidence against them showing that to some extent, at all events, they joined in resisting the forces of the Government. In one case, military clothing, and in another case a police rifle, was found in the possession of the prisoner; but perhaps, we have considered, the prisoners were in a very difficult position. They were brought into the camp, probably without their consent, by a large body of Indians; and having got into that camp they may have been lead into the acts complained of without knowing the serious position they were placing themselves in by so doing. We have considered that originally the desire probably of all the prisoners was to stay in their settlement. We have considered, also, that they had their families and their property to protect, against, perhaps, some uncontrollable violence of the Indians surrounding them. They were in a very difficult position.



The Crown, considering all these things, and not being able to bring home acts of personal violence against any of them, and learning that they were all men of good character before the trouble came out, we have considered that perhaps the end of justice would be attained by allowing them to be discharged on their own recognizance, to appear when called upon for trial; and I might say on behalf of the Crown, that unless the evidence implicating the prisoners with acts of personal violence appears, that as far as that offence of theirs against their allegiance is concerned, the Crown do not propose to call upon them to answer. It will only be in the event of evidence turning up to show that they were personally implicated in acts of violence during the rebellion that the Crown will call upon them to respond."

29. The Petitioner and the other four accused were then released on their own recognizances, and the Petitioner started for Battleford, which place he reached on or about the 18th of September, A.D., 1885, and found on reaching home, after his absence, that the Indian depredations had reduced him to poverty.

30. On the 25th day of February, 1886, a Royal Commission, under the Great Seal of Canada, was issued, appointing Joseph Alphonse Ouimet, Chairman, Thomas McKay and Henry Muma, Esquires, to examine into and hear evidence concerning any claims for compensation for loss or damage arising out of the late outbreak in the North West Territory, with power to summon witnesses, and to compel the production of papers. Subsequently, George Holmes Young, before mentioned, was appointed Secretary to the said Committee.

31. In the letter of instructions to the Chairman of the Commission, the Petitioner begs to call attention to the following extracts:

(a) "The class of claims, which it will be your duty to investigate, may be briefly stated as claims for loss of property, or for imprisonment, or for forced emigration from the territory."

(b) "All the claims, whether they would seem to be included in the terms of the preceding extract or not, you should receive, with such evidence to be taken under oath as the claimants may desire to bring forward; but in forming your conclusions, you will consider only such testimony as is applicable under the terms of the said third paragraph."

(c) "Allow for all proved losses which are the direct and immediate consequences of the insurrection and not attributable to the fault or negligence of the claimants."

(d) "You should rather hear and judge than put yourself in the position of resisting a claim."

32. On the seventh day of June, the above Royal Commission sat at Battleford, to hear and decide upon the following claim which Petitioner presented to them, the original of which was filed before the said Royal Commission as Exhibit "D."



Invoices, \$5,049 ; Sales, \$2,525	\$2,524 00
Freight	530 00

FURS AND SKINS :

Badger, 21 at 75c. each	15 75
Bear, 54 at \$10 each	540 00
Beaver, 479 at \$4 each	1,916 00
Fisher, 10 at \$10 each	100 00
Fox, Silver, 3 at \$50 each	150 00
Fox, Cross, 6 at \$5	30 00
Fox, Red, 200 at \$1.25 each	250 00
Lynx, 377 at \$3 each	1,131 00
Martin, 19 at \$2.50 each	47 50
Mink, 604 at \$1.00 each	604 00
Muskrat, 1,836 at \$1.00 per doz	156 00
Otter, 8 at \$10 each	80 00
Skunk, 239 at 75 cts. each	179 25
Wolf, 20 at \$1.25 each	25 00
Wolverine, 35 at \$4 each	140 00
Carts, 4	120 00
Cattle, 55 head	4,125 00
Hens, 50	50 00
Harness (buggy)	40 00
Hogs, 9	225 00
Horses, 6	700 00
House and Furniture	500 00
Imprisonment, 4 months	2,000 00
Legal expenses	1,100 00
Loss of crop	500 00
Mare and colt	300 00
Mower	125 00
Oats, 150 bushels	300 00
Plow	35 00
Potatoes, 150 bushels	300 00
Self Binder	400 00
Twine for Binder	100 00
Wheat, 200 bushels	500 00
	<u>\$19,859 00</u>

33. As previously stated, the Petitioner kept a store at Bresaylor. The store was near his house and was broken into, as has been before set forth.

(a) The Petitioner lost his books during the Rebellion and has been unable to find them.

(b) He filed before the Royal Commission invoices of goods bought from W. Macdonald, of Winnipeg, amounting to \$5,049.

(c) He paid freight on goods (the invoice of which was filed as aforesaid) to the amount of five hundred and fifty dollars. One hundred and fifty of this amount was for freight from Winnipeg to Swift Current, and four hundred was for freight from Swift Current to Bresaylor.

(d) One half of this stock of goods was unsold at the time the store was raided by the Indians, as is hereinbefore set out.





34. On the Petitioner's return home on the 18th of September, after his release from prison, he found his house and store barely standing, ceilings torn down, flooring gone, windows broken, furniture destroyed and stoves smashed. A paper filed as Exhibit "C" before the said Royal Commission, contains a true and correct statement of the losses of the Petitioner in house and on farm as distinguished from any damage he sustained from loss of merchandise and furs.

35. That the Petitioner was imprisoned for four months, being the four months of the year during which most of the farm work is done. He lost all his summer in prison, he was unable to till his land, and no information was laid against him until the day before he was released. The imprisonment necessitated outlay for legal expenses, and the expense of bringing witnesses from Bresaylor to Regina. On these he claims \$2,000 for his four months' imprisonment, and five hundred dollars for his loss of crop.

36. The Petitioner was a trapper and trader, and had gathered together the various skins mentioned in the claim made herein. He had traded and bought furs around the surrounding country, some from Turtle Lake, Cold Lake, Frog Lake, from Chippenzo Indians, and from the By Mountains. He had three men trapping, in addition to himself.

(a) The Petitioner had six carts and two waggons full of furs when he went to the Indian camp, and the same number when he came to Battleford and was arrested. He had about twenty packs of furs altogether.

(b) The amount claimed for the furs is the amount paid for them, and is a very reasonable sum. Also, the prices are not higher than the Petitioner would have had to pay for them at the time of their loss.

(c) The Petitioner packed his furs as he bought them, and they were near the store on the night that the Indians came, in bales, and the Indians took them along with them.

(d) The Petitioner kept control of his furs, and they were brought into Battleford in the carts they were in and placed by General Middleton in the Police Barracks at Battleford for protection.

(e) On June 5th, 1885, large quantities of the furs were packed up and taken away by certain officers and officials of the Militia and Police, and on Petitioner's return to Battleford, after release and discharge from imprisonment, as above stated, none of the skins were in the Barracks, although the Petitioner made inquiry therefor.

(f) The furs lost had been counted and the paper marked Exhibit "B" put in before the Royal Commission aforesaid, contains a true and correct inventory of the Furs lost by him through the course of events above set out.

(g) The Petitioner is able to trace small quantities of the furs to certain individuals, but the balance he is unable to account for.



37. The Petitioner was not permitted to tell his own story to the Commissioners. He was told merely to answer questions put to him by one or other of the Commissioners, and the Petitioner tendered one Louis Caplette (the Petitioner's Book-keeper) as a witness, but the Commissioners refused to call him.

38. That the Petitioner was examined and cross-examined, questioned and cross-questioned as to his complicity and participation in the Rebellion, and notwithstanding the fact that he had been released from charge of treason, as is hereinbefore set out, every effort was made to make him say that he aided the Indians in rebellion.

39. That the Petitioner's entire claim was disallowed by the said Royal Commission on the ground that he had contributed to his own loss by being a rebel.

40. The Petitioner submits that there was no evidence before the Commissioners to warrant such a finding by them, and that the Commissioners exceeded their instructions hereinbefore set out. The Petitioner also submits that it was unfair and unjust that George Holmes Young, of Winnipeg, who swore out the information against the Petitioner as a rebel, should be the Secretary of the Commission who tried his claim.

41. The Petitioner suffered severely by reason of his losses occasioned by the Rebellion. He submits that the measure of grace extended to some of Her Majesty's subjects should also be extended to him.

42. That about half a million dollars has already been paid out by Her Majesty to some five or six hundred of Her subjects, no more loyal than the Petitioner, and whose losses were no more real than his.

43. The Schedule hereunto annexed shows the authority for the various statements herein contained, and it will be seen from the Schedule that all the statements herein made have already been substantiated upon oath.

THE PETITIONER PRAYS :

1. That the measure of grace extended to some of Her Majesty's Subjects may be extended to him.
2. That he may be paid by Her Majesty's Government for Canada, the sum of \$19,859.00.
3. And interest on the said sum from the seventh day of June, A.D., 1886, (the day the Royal Commission threw out his Claims).

And your Petitioner will, &c.

*Charles Bremner*

For the Petitioner, CHARLES BREMNER.

Ottawa, May 30th, 1891,



## SCHEDULE

Showing authority for various statements made in the petition of CHARLES BREMNER and specially referred to in Paragraph 43 of the said Petition.

No. OF PARAGRAPH OF PETITION.	
1	Petitioner's evidence before Royal Commission on Rebellion losses R. C. Macdonald's evidence before Select Committee of the House of Commons <i>re</i> Bremner's furs, (1890.)
2, 3, 4.	Petitioner's and Father Cochin's evidence before Royal Commission aforesaid.
5.	Petitioner's evidence before Royal Commission aforesaid.
6 & 7.	Petitioner's and Father Cochin's evidence before Royal Commission aforesaid.
8.	Petitioner's evidence before Royal Commission aforesaid.
9 & 10.	Petitioner's and Father Cochin's evidence before the Royal Commission aforesaid.
11, 12 & 13.	Petitioner's evidence before Royal Commission aforesaid.
14.	Petitioner's and Father Cochin's evidence before the Royal Commission aforesaid.
15.	Petitioner's evidence before the Royal Commission aforesaid.
16.	Petitioner's evidence before the Royal Commission aforesaid.
17 & 18.	Father Cochin's evidence before the Royal Commission aforesaid. Father Cochin's evidence at the trial of Poundmaker, pages 321, 322, 323 and 324 of Sessional Paper 52 A, 1886.
19, 20 & 21.	Petitioner's evidence before the Royal Commission aforesaid.
	Petitioner's and Father Cochin's evidence before the Royal Commission aforesaid. Father Cochin's evidence on the case of the Queen vs. Joseph Arcand <i>et al.</i> , page 405 of the Sessional Paper above referred to.
22, 23, 24 & 25.	Petitioner's evidence before Royal Commission aforesaid.
	General Middleton's dispatches and diary, which has been printed and distributed.
26, 27 & 28.	The Queen vs. Charles Bremner <i>et al.</i> , Sessional Papers 52 A, 1886, pages 347 and 348.
29.	Petitioner's evidence before the Royal Commission aforesaid.
30 & 31.	Sessional Papers No. 52 A, 1886, 52 f. pages 1, 2, 3, 4, 5.
32.	Petitioner's James Bremner's and Father Cochin's evidence before the Royal Commission aforesaid. A. M. Burgess' evidence before the Select Committee of the House of Commons aforesaid. Auditor-General's Report 1888. Page G—58.
33 & 34.	Petitioner's evidence before Royal Commission aforesaid.
	James Bremner's and Father Cochin's evidence before the Royal Commission aforesaid.
35.	Petitioner's evidence before the Royal Commission aforesaid.
36.	Sessional Papers 52 A, 1886—pages 346 and 348.
	Petitioner's and Father Cochin's evidence before the Royal Commission aforesaid.
	Evidence of R. C. Macdonald, Hayter Reed and A. M. Burgess before the Select Committee aforesaid.
	And as to the value, see quotations for furs in <i>Monetary Times</i> , for year 1886, <i>Journal of Commerce</i> for year 1886, also <i>Halter and Furrier</i> of New York for same year.
37 & 38.	All the evidence before the Royal Commission aforesaid.
39.	A. M. Burgess' evidence before Select Committee aforesaid.
40.	Sessional Papers, pages 1, 2, 3, 4 of 52 f. of Sessional Paper 52 A, 1886.
	Sessional Papers, Queen v. Bremner <i>et al.</i> , page 347 of paper 52 A 1886.
41.	Petitioner's, James Bremner's and Father Cochin's evidence before the Royal Commission aforesaid.
42.	Auditor General's Report, 1886, page G—58, <i>et sequiter</i> .
43.	Reference to this Schedule.

*Stuart Henderson*  
For the Petitioner CHARLES BREMNER.

Ottawa, May 30th, 1891.